

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

KATHLEEN A. CUNNINGHAM

v.

MARY E. PETERS, SECRETARY,  
U.S. DEPARTMENT OF  
TRANSPORTATION

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CIVIL NO. 4:07cv36

**MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF THE  
UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On December 21, 2007, the report of the Magistrate Judge was entered containing proposed findings of fact and a recommendation that Defendant's Motion to Consolidate and Transfer (Dkt. 9) be GRANTED in part and that this cause be transferred in its entirety to the Northern District of Texas, Fort Worth Division and that the motion to consolidate be DENIED without prejudice to refile it once transfer of venue is complete.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court. Therefore, Defendant's Motion to Consolidate and Transfer (Dkt. 9) is GRANTED in part and this cause is ORDERED transferred in its entirety to the Northern District of Texas, Fort

Worth Division. Further, Defendant's motion to consolidate is DENIED without prejudice to refiling it once transfer of venue is complete.

**IT IS SO ORDERED.**

**SIGNED this 16th day of January, 2008.**

A handwritten signature in black ink, reading "Michael H. Schneider", is written over a horizontal line.

MICHAEL H. SCHNEIDER  
UNITED STATES DISTRICT JUDGE